



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LABOUR WELFARE DEPARTMENT :: LABOUR (RC) BRANCH

NOTIFICATION

The 13th February, 2023

No. E. 229149.- In exercise of the powers conferred under sub-section (4) of section 3 of the Unorganised Workers' Social Security Act, 2008 (Act No. 33 of 2008), the Governor of Assam is hereby pleased to make the following Scheme, namely the Assam Transport Workers' Social Security Scheme, 2022 :-

CHAPTER -I

PRELIMINARY

Short title, commencement and application	1.	<p>(1) This Scheme may be called the Assam Transport Workers' Social Security Scheme, 2022.</p> <p>(2) It shall come into force on such date as the State Government, may by notification in the Official Gazette, appoint.</p> <p>(3) It applies to every commercial vehicle which employs, or had employed on any day of the preceding twelve months, motor transport worker/s in any commercial vehicle.</p>
Definitions	2.	<p>(1) In this Scheme, unless the context otherwise requires, -</p> <p>(a) "Act" means the Unorganised Workers' Social Security Act, 2008;</p> <p>(b) "Beneficiary" means a motor transport worker registered under the scheme and includes a person who is employed for wages in commercial as well as in private vehicle including Yantrachalita Nao (mechanised boat) registered under Inland Water Transport Department, Government of</p>

Assam, directly or through an agency to work in a professional capacity on a Commercial Vehicle to attend the duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time keeper, watchman, attendant, or self-employed person;

- (c) **“Board”** means the Assam State Social Security Board, constituted under the Unorganised Workers’ Social Security Act, 2008;
 - (d) **“Fund”** means the Assam Transport Workers Welfare Fund under the Assam State Social Security Board;
 - (e) **“cess”** means the cess levied and collected under Chapter IV of this Scheme;
 - (f) **“Contribution”** means a contribution payable in respect of a member under the Scheme;
 - (g) **“contractor”** means a person who undertakes to produce a given result for any Commercial Vehicle, by the employment of motor transport workers or who supplies motor transport workers for any work of the establishment, and includes a sub-contractor;
 - (h) **“member”** means a member of the 'Board' ;
 - (i) **“Commercial Vehicle”** means a Commercial Vehicle engaged in carrying passengers or goods or both by road for hire or reward;
 - (j) **“Scheme”** means the Assam Transport Workers’ Social Security Scheme;
 - (k) **“self-employed person”** means a person other than an employee who is engaged in the profession of a Commercial Vehicle by actually operating the vehicle and depending mainly on such a Commercial Vehicle for his livelihood;
 - (l) **“State Government”** means the Government of Assam;
 - (m) **“Registering authority”** means an authority empowered to register motor vehicles under Chapter IV of the Motor Vehicle Act, 1988.
- (2) Words and expression used in this Scheme but not defined herein shall have the same meaning as in the Motor Vehicle Act, 1988, Assam Motor Vehicle Taxation Act, 1936.

CHAPTER II**REGISTRATION OF MOTOR TRANSPORT WORKERS AS BENEFICIARIES**

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| Beneficiaries of the Fund | 4. Subject to the provisions of this Scheme, every Motor Transport worker registered as a Beneficiary under this Scheme shall be entitled for the benefits provided by the Board from its Fund under this Scheme. |
| Registration of motor transport workers as beneficiaries | <p>5. (1) The registration of Beneficiary shall be done only through online mode. The Board shall get the necessary portal developed for online registration and benefit disbursal to the Beneficiaries. Every Motor Transport worker who has completed eighteen (18) years of age but has not completed sixty (60) years of age, and who is not a member in any other welfare fund established under any law for the time being in force and who has completed ninety (90) days of service in any Commercial or private vehicle in the year immediately preceding shall be eligible for registration as a Beneficiary in the Fund.</p> <p>(2) An application for registration shall be made in Form No. I to the officer authorised by the Unorganised Workers' Social Security Act, 2008 and entrusted for the purpose by the Board in this behalf.</p> <p>(3) Every application under sub-clause (2) shall be accompanied by such documents as stated in the Form No. I together with a fee of fifty (50) rupees.
The required documents for Registration are as follows :-</p> <p>(a) a certificate for proof of age shall be submitted from the,-</p> <ul style="list-style-type: none">(i) School records;(ii) from the Registrar of Births and Deaths;(iii) in absence of the above certificates, a certificate from a Medical Officer not below the rank of a Sub - Divisional Medical and Health Officer. <p>(b) (i) Certificate from the employer that the applicant is a transport worker shall be produced along with the application for registration;</p> <p>(ii) in absence of the above certificate, a certificate from a Registered Transport Workers' Union of the concerned area or a Certificate issued by District Transport Officer or a Certificate issued by Assistant Labour Commissioner or Labour Officer of the concerned area may also be considered.</p> |

- (4) If the Officer entrusted by the Board under sub-clause (2) above is satisfied that the applicant has complied with the provisions of this Scheme, he shall register the name of the motor transport worker as Beneficiary under this Scheme:

Provided that an application for registration shall not be rejected without giving the applicant an opportunity of being heard.

- (5) Any person aggrieved by the decision under sub-clause (3) above may, within thirty (30) days from the date of such decision, prefer an appeal to the Officer specified by the Board and such appeal shall be final:

Provided that an Officer specified by the Board in this behalf may entertain the appeal after the expiry of the said period of thirty (30) days if he or she is satisfied that the motor transport worker was prevented by sufficient cause from filing the appeal in time.

Cessation as a beneficiary

6. (1) A motor transport worker who has been registered as a Beneficiary under this Scheme shall cease to be as such when he attains the age of sixty years or when he is not engaged in motor transport work, whichever is earlier :

Provided that there shall be excluded any period of absence from the motor transport work due to any personal injury caused to the motor transport worker by accident arising out of and in the course of his employment.

- (2) Notwithstanding anything contained in sub-clause (1) above, if a person has been a Beneficiary for at least three years continuously immediately before attaining the age of sixty (60) years, he shall be eligible to get such benefits as may be notified by the Government in the Official Gazette from time to time.

Contribution of motor transport workers

7. A motor transport worker who has been registered as a Beneficiary under this Scheme shall, until he attains the age of fifty-nine (59) years, contribute to the Fund half yearly or annually an amount of rupees thirty (30) per month.

Effect of non-payment of contribution

8. If a Beneficiary fails to pay his contribution under clause 7 above, for a continuous period of one (1) year or more, he shall cease to be a Beneficiary:

Provided that if the authorised officer is satisfied that the non-payment of contribution was for a reasonable ground and that the motor transport worker is willing to deposit the arrears, he or she may allow

- the motor transport worker to deposit the contribution in arrears and on such deposit being made, the registration of motor transport worker shall stand restored.
- Motor Transport Workers' Welfare Fund**
9. There shall be constituted by the Board a fund to be called the **Motor Transport Workers' Welfare Fund** and there shall be credited thereto —
- (a) any grants-in-aid received from the Central and the State Government;
 - (b) all contributions made by the Beneficiaries;
 - (c) all sums received by the Board from Cess collection under clause 13 of this Scheme;
 - (d) contribution from the revenue collected by the Assam Transport Authority as stated in clause 13 of this Scheme;
 - (e) donation, contribution from Private entities.
- Budget**
10. The Board shall prepare its budget for the next financial year showing the estimated receipts from the sources under clause 9 and expenditure from the Motor Transport Workers Welfare Fund against benefits towards registered Beneficiaries for onward submission to the State Government.
- Annual Report**
11. The Board shall maintain proper accounts and other relevant records and shall also prepare, for each financial year, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.
- Accounts and Audit**
12. The accounts of the Board shall be audited annually and any expenditure incurred in connection with such audit shall be payable by the Board from Motor Transport Workers Welfare Fund. The Board shall furnish to the State Government its audited copy of accounts together with the auditor's report for each financial year.

CHAPTER –III

INCIDENCE AND LEVY OF CESS, RATE OF CESS AND PAYMENT OF CESS

- Incidence, rate, collection and assessment of Cess**
13. (1) The Road Tax levied by the Department of Transport during registration of each commercial vehicle as per provisions under the Assam Motor Vehicles Taxation Act, 1939 shall be calculated based on the purpose of the Commercial Vehicle, seat capacity, weight, length and width etc. and all Commercial Vehicle owners shall pay this tax before registering and using his vehicle on the roads. There shall be levied and collected a cess of one percent (1%) which shall be in addition to the existing Registration Tax on purchase of Commercial Vehicle by every owner registered in Assam under the Assam Motor Vehicle Act, 1988.

- (2) (a) The Cess levied under sub-clause (1) shall be collected from every owner of Commercial motor vehicle at the time of registration of the Commercial motor vehicle carrying passengers or goods by road for hire or reward and shall be in addition to any other tax or duty, as applicable leviable on the motor vehicles under any other law for the time being in force in Assam.
- (b) The Commissionerate of Transport, Assam shall submit six (6) monthly reports of Cess collection to the Assam State Social Security Board during the months of July and January in connection to the provisions stated under sub-clause (1) above.

CHAPTER -IV

MANAGEMENT OF COLLECTION UNDER THIS SCHEME

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| Maintenance of account | 14. The Board shall maintain separate and proper accounts of the collections under this Scheme as part of the Board's fund, namely the Assam Transport Workers Welfare Fund and shall also maintain other relevant records. All interest and other income realised and all profits or losses, if any, shall be credited or debited, as the case may be, to an account called the Administrative Accounts which shall be operated jointly by the Chairman of the Board and the Member Secretary of the Board and any other authority as decided by the Board. |
| Administration of collections | 15. The Board shall administer the collections under this Scheme and take such decisions regarding utilization in welfare for motor transport workers in such manner as it considers necessary. |
| Utilization of the Fund | 16. The Assam Transport Workers Welfare Fund shall not, except with the previous sanction of the Board, be expended for any purpose other than the payment of benefits to individual members of this Scheme. |
| Expenditure from the Administrative Account | 17. All expenses for administration of the fund including the fees and allowances of the non-official members, the cost of audit of the accounts, legal expenses and the cost of all stationery and form and other office expenses incurred in respect of the Scheme and all expenses incurred in connection with holding of meetings, staff salaries, Travelling allowance, Compensatory allowance, Charge allowance and other benefits or other expenses for the legitimate needs for the execution of work under the Scheme, shall be met from the Administrative Accounts of the Fund which shall amount to a maximum of five percent (5%) of the Benefits disbursed in the preceding year. |

CHAPTER-V
BENEFITS

Benefits

18. The Board shall introduce the benefits under the Scheme which shall be made available for the registered motor transport workers subject to the availability of the fund under the Assam Transport Workers Welfare Fund.

The Board may, introduce different benefits under the Act and shall also revise the rate of benefits payable to the employees from time to time. The amounts to be released against each Beneficiaries shall be decided by the Board for the following Benefit:-

(1) Death Benefit:

- (i) Financial assistance in case of Accidental Death of the Beneficiary caused due to an accident in the course of his employment, discharging his/her duty, shall be paid to the Nominees or dependents of a deceased registered motor transport worker.

- (ii) In case of claim for death benefit, a nominee or members of his family shall submit to the Member Secretary of the Board or any other authorised Officer an application in **Form No. II** along with the following documents-

- (a) copy of certificate of death issued by competent authority;
- (b) copy of the First Information Report about the accident obtained from the Police Department;
- (c) copy of the Post-mortem report issued by the competent authority;
- (d) copy of the certificates showing the applicants relationship with the deceased issued by the concerned Village Officer;
- (e) copy of the Nomination Form submitted by the applicant during his lifetime in **Form No. III**;
- (f) or any other documents issued by the competent authority and to be notified by the Board.

- (2) **Disability Benefit** : If the disability has resulted due to accident, the beneficiary shall be eligible for financial assistance as Disability Benefit. The rate of the benefit shall be decided by the Board :

Provided that the copy of the working record book of the beneficiary shall be accompanied along with the application in **Form No. IV**.

- (3) **Assistance for treatment of other critical disease:-** There shall be a package of benefits for the registered workers after enrolment as a Beneficiary under the Scheme. The registered Beneficiaries shall be linked with other existing health schemes such as Ayushman Bharat Scheme or Atal Amrit Abhiyan Scheme for his or her treatment of other critical diseases like kidney diseases, cancer, neurological conditions, Burns, Neo-natal diseases and cardiovascular diseases or any other disease determined and specified under the Schemes from time to time. The Board shall extend financial help by contributing fifty percent (50%) of the payable amount per annum under the Ayushman Bharat Scheme and Atal Amrit Abhiyan Scheme etc.

The Beneficiaries shall claim the aforementioned medical benefits in **Form No. IV** which must be accompanied by the following documents:-

- (i) certificate obtained from his employer that he is still in his service and that he is on leave for undergoing treatment;
- (ii) certificate obtained from the Unit Chief or the head of the Institution, where the member has undergone or has to undergo treatment; regarding the details of treatment given or required to be given and the maximum amount spent or expected to be spent for this treatment;
- (iii) original bills and vouchers duly certified by the authorised Medical Officer who was in-charge of his treatment, if the claim is made after treatment.

Necessary enquiries of the submitted application shall be done within sixty (60) days of the receipt of the same by the Member Secretary of the Board or any authorised Officer as and when required and on satisfaction shall be placed before the Chairman of the Board for sanction of the benefit.

CHAPTER –VI
MISCELLANEOUS

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| Application Forms and Registers etc. | 19. | Approval of the Board is required for further introduction of necessary Forms, Registers under the Scheme as and when required.
All application Forms, Registers and relevant documents required under the Scheme shall be prepared or designed by the Member Secretary of the Board and shall be placed before the Board. Approval of the Board is required for issuing directions for printing and distribution of approved Forms and Registers to facilitate the execution of the Scheme. |
| Power to remove difficulties | 20. | If any difficulties arises in giving effect to the provisions of this Scheme, the Board shall take decision and shall make such provisions, not inconsistent with the provisions of this Scheme, as may appear to it to be necessary for removing the difficulty. |

FORM NO. I
[See clause 5 (2) and (3)]
Application Form for Registration of Transport Worker

four copies of passport size
photo of the applicant

No. District :

Date:

- (1) Name of the Applicant :-
- (2) Father's/ Husband's Name:-
- (3) Address in Full :-
 - (a) Permanent Address:-
 - (b) Present Address :-
- (4) Contact Number :-
- (5) Whether General / SC/ST/OBC/ / Others : -
(Caste certificate should be submitted)
- (6) Male / Female :-
- (7) Marital Status :-
(Married/unmarried)
- (8) Name of the wife /husband:-
- (9) Date of birth :-
- (10) Date of retirement :-
- (11) Name and Address of the employer/establishment where the applicant is working :-
- (12) Employed as permanent /temporary /hired or contractual:-
- (13) Nature of Jobs:-
- (14) E.S.I/ P.F. Number (if any):-
- (15) Total years of service up-to Registration:-
- (16) Aadhaar Enrolment Number:-
- (17) Bank Accounts Detail of beneficiary :-
 - (a) Bank Name:-
 - (b) IFSC Number:-
 - (c) Account Number :-
 - (d) Jandhaan Account :- Yes/No
- (18) Rate of Subscription:- Rs. 30/-
- (19) Name of Bank and Branch where subscription is to be paid :-
- (20) Particulars of nominee : In Nomination Form No. III attached herewith .
- (21) If the applicant is already a member of any other Welfare Board, the name of such Board and Registration Number of the applicant:-
- (22) Whether wife /husband is a member of the Scheme :-
- (23) If so, Name, Registration Number and Date of Enrolment in the Scheme :-

The above facts are true to the best of my knowledge and information.

Signature /Thumb impression of the applicant

FORM NO. II
[See clause 18 (1) (ii)]
Application for Death Benefit

Two copies of passport
size photo of the applicant

Application No.

District:

Date:

- (1) Name and Full Address with Contact Number of the Applicant:
- (2) Relationship of applicant with deceased worker:
- (3) Name and Full address of the deceased worker:
- (4) Registration No. of deceased worker:
- (5) Identity Card Number and Date of deceased worker:
- (6) Date of Payment of 1st Contribution:
- (7) Date of Payment of Last contribution :
- (8) Total amount of contribution remitted :
- (9) Duration of membership of deceased worker:
- (10) Whether the deceased worker was married or unmarried:
- (11) If married, the name of his wife :
- (12) Age and Date of birth of deceased worker:
- (13) Date of Death of the worker:
- (14) Nature of Death (Please tick mark) : Natural Death/Accidental Death/ Murder/Suicide
- (15) In Case of accidental death/murder/suicide the particulars such as date, time and place :
- (16) Whether submitted the death certificate from the Government Doctor/Appropriate Authority:
- (17) In Case of Accidental Death /murder /suicide whether submitted the employers Certificate, Police report and Post-mortem report:

(18) Details of Family members of deceased worker:

Sl. No.	Name	Relation	Age

(19) Particulars of nominee(s) already declared by deceased worker:

Sl. No.	Name	Relation	Age

(20) Whether applicant is the nominee of the deceased worker:

(21) If not, on what position has submitted the application and whether the applicant has submitted dependents and other family member's consent letter:

(22) If the applicant is one of the nominee (s) already declared by the deceased worker whether the consent letter from other nominee (s) submitted :

(23) If the applicant is not family member or nominee of the deceased worker, on what authority has submitted the application and whether the certificate of guardianship, consent letter from the family members and nominee(s) submitted :

(24) If nominees (s) or family members are minors, name of the guardian and his relationship with children?

(25) Name of the Branch of the Bank and Account Number with IFS Code of applicant where the amount of the benefit is to be deposited :

(26) Details of document to be submitted:

(a) Original Copy of Identity Card:

(b) Original Copy of the Contribution deposited Account Pay :

(c) Death Certificate issued by the Appropriate Authority:

(d) In case of Death due to accident during working period / murder /suicide :

(i) Employer Certificate

(ii) Police Report

(iii) Post Mortem Report

(e) Succession certificate :

(f) Certificate of guardianship with consent from the other family member/s and minor nominee(s) :

(g) Applicant's Identification certificate from the Gaon Panchayat Secretary/
Appropriate Authority :

(h) Proof of minor (age certificate) :

The facts mentioned above are true to my knowledge and information.

Date:

Place:

Signature /thumb impression of the
applicant.

FORM – III
[See clause 18 (1) (ii) (c)]

Nomination Form

I nominate the following person/persons as rightful dependants to receive all the dues from the Fund on my behalf and in the event of my death, as rightful heirs to receive all benefit to me.

Sl No.	Name of Nominee(s)	Address of nominee (s) with contact number	Bank Account No. of nominee (s)	Aadhaar Enrolment No. of nominee	Relationship with member	Age of nominee(s)	Amount to be given to each nominee	Passport size photo of nominee
1	2	3	4	5	6	7	8	9

Place :

Date:

Name and address with father's/Husband's Name
(Registration No. and Date and Identity Card No.
and date in case of further change of nominee (s))

FORM NO. IV
[See clause 18 (2) and (3)]
Application for Medical Assistant (Disability Benefits)

Two copies of passport size
photo of the applicant

Application No.

District:

Date:

(1) Name and Full Address with Contact Number of the Applicant:

(1) Age and Date of Birth :

(2) Registration Number and Date:

(3) Identity Card Number:

B. KALYAN CHAKRAVARTY,
Principal Secretary to the Government of Assam,
Labour Welfare Department.